
Out-of-School Suspension in Maryland Public Schools, 2008 - 2014

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November 2015

Exclusionary discipline, or the practice of removing students from the classroom in response to disruptive behavior, has long been an accepted practice in our education system. Until recently the perceived benefit of maintaining classroom stability was thought to outweigh the harm of denying classroom time to individual students. The appropriateness of this strategy has come under scrutiny in recent years as a result of a bevy of research highlighting the harm it can cause. Researchers have found that beyond depriving students of valuable class time, out-of-school suspensions are associated with school disengagement, low graduation rates, increased dropout rates and increased involvement with the criminal justice system. Furthermore, research suggests that its use does little to improve the overall safety of schools. Beyond its inability to bring about its intended results, exclusionary discipline also has a disparate impact on minorities, particularly African-Americans.

Nationally, the suspension rate for all students rose from 7% to 11% between 1974 and 2010. However, in that same time frame the rate for African-Americans jumped from 10% to 24%¹. The disparate impact in the application of exclusionary discipline has led to efforts to reform the practice.

Reform Efforts

The 2011 longitudinal study *Breaking School's Rules* raised eyebrows among many policy makers². The study tracked the use of exclusionary discipline in the state of Texas over a 10-year period. The researchers found a large degree of racial disparity in the use of suspension and expulsion. Further, by following students through the entirety of their enrollment in public schools, the study was able to link exposure to exclusionary discipline with academic outcomes. Unsurprisingly, the study found that students who had been suspended were more likely to receive additional discipline, become disengaged from school, drop out, and become involved with the criminal justice system.

These findings prompted the Department of Justice's (DOJ) Civil Rights Division to expand the tracking of suspension rates across the country. A dear colleague letter, jointly signed by the DOJ and Department of Education (DOE) Office for Civil Rights (OCR), laying out the grounds by which school districts that use exclusionary discipline disparately could be subject to legal action followed.³ This process is summarized

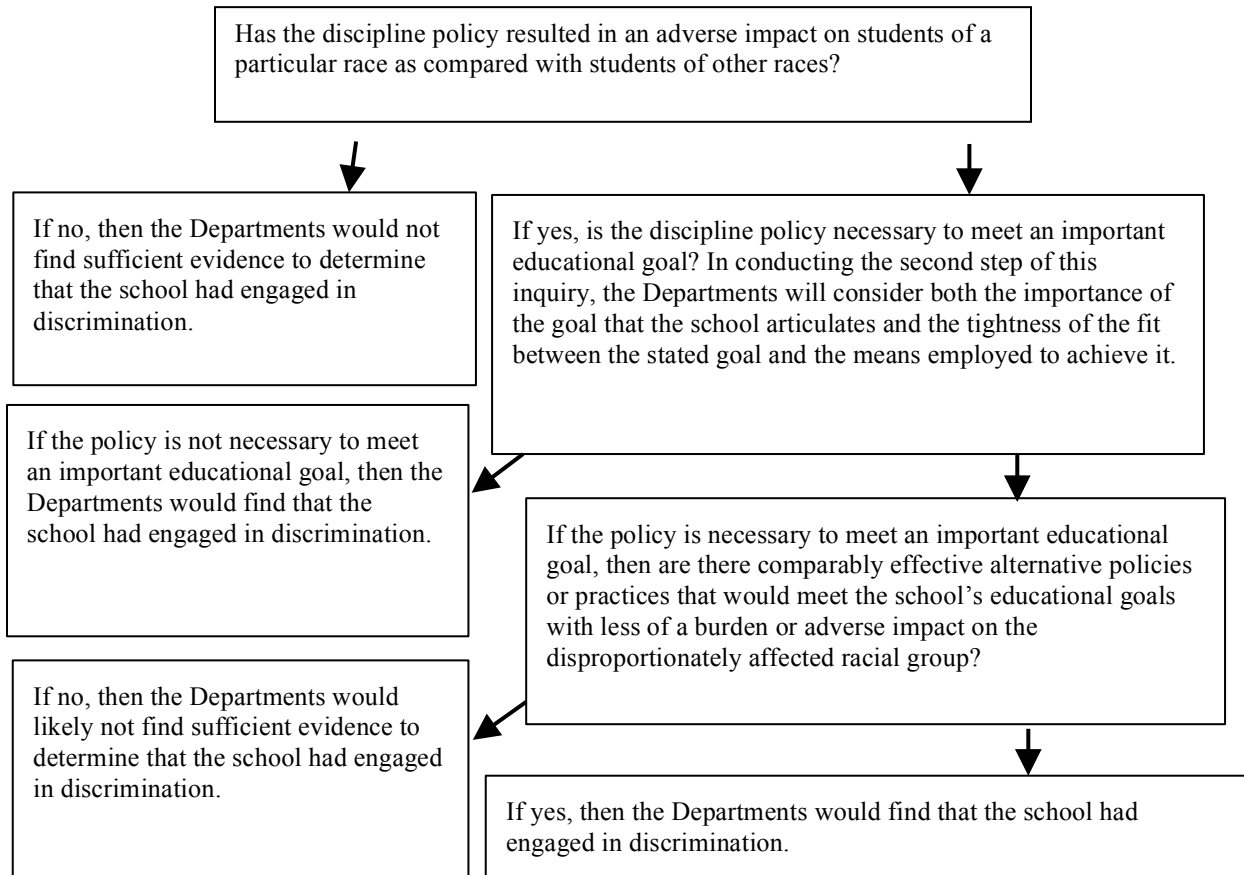
¹U.S. Department of Education Office for Civil Rights (2014, March). *Civil rights data collection: Data snapshot (school discipline)*. Washington, DC: Author. www.ocrdata.ed.gov.

²Fabio, T. & Carmichael, D. (2011, July). *Breaking schools' rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement*. New York: Council of State Governments Justice Center & Public Policy Research Institute at Texas A&M.

³U.S. Department of Justice Civil Rights Division & U.S. Department of Education Office for Civil Rights (2014, January 8). *Dear colleague letter on the nondiscriminatory administration of school discipline*. Washington DC: Authors. <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.pdf>.

in Figure 1. Finally, the DOE put forth guidelines for both reducing the use of exclusionary discipline, and addressing disparity⁴.

Figure 1: DOJ’s basis for finding discrimination in school discipline



Source: U.S. Department of Justice Civil Rights Division & U.S. Department of Education Office for Civil Rights (2014, January 8).

These machinations at the federal level have led many states to address racial inequality in exclusionary discipline. Maryland has made efforts to reduce both the suspension rate and racial-disparity in its use, as shown in figure 2. In 2013 Maryland began to require each school system to publish a report detailing the number of students subjected to out-of-school suspension, disaggregated by race, gender, and disability status. School systems with large disparities in exposure to suspension amongst different subgroups are required to make substantive steps towards reducing the gap. More specifically the system must address the disparity within one year, and resolve it within three. If the school system does not reach this goal, it can be subjected to state intervention. The impact of Maryland’s change in

⁴ U.S. Department of Education (2014). *Guiding principles: A resource guide for improving school climate and discipline*, Washington, D.C. <http://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf>.

disciplinary policy has been significant, cutting the overall suspension rate by nearly 40% between 2008 and 2014.

Figure 2: Timeline of events leading to changes in Maryland’s suspension policy

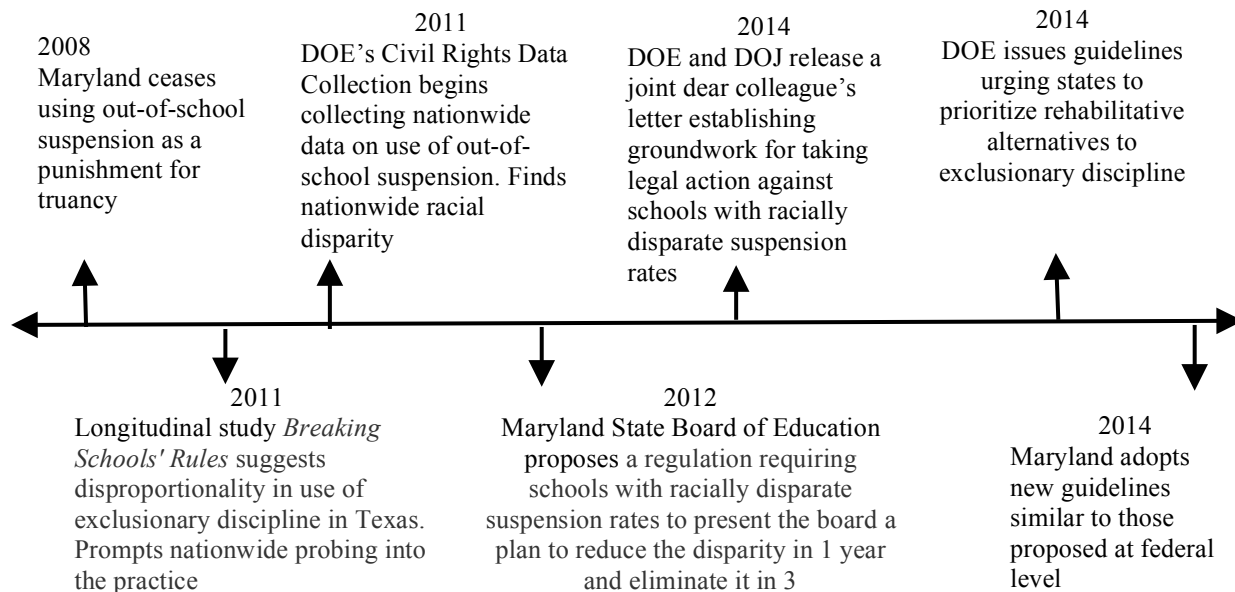
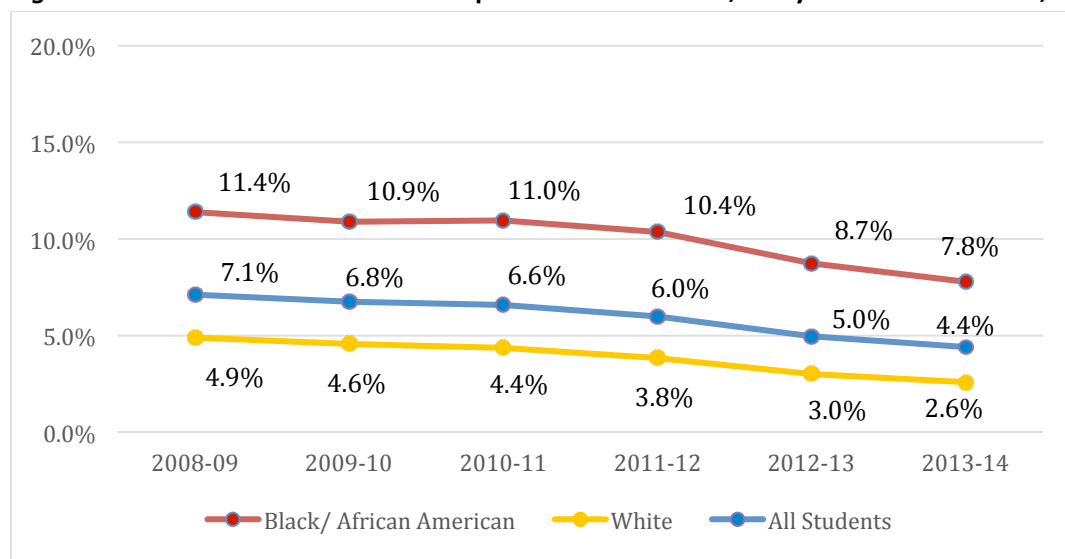


Figure 3 shows that the suspension rate in Maryland decreased for all students suspended at least once between 2008 and 2014, suggesting that initiatives to reduce the suspension rate have resulted in lower suspension rates for all students and for African American and white students.

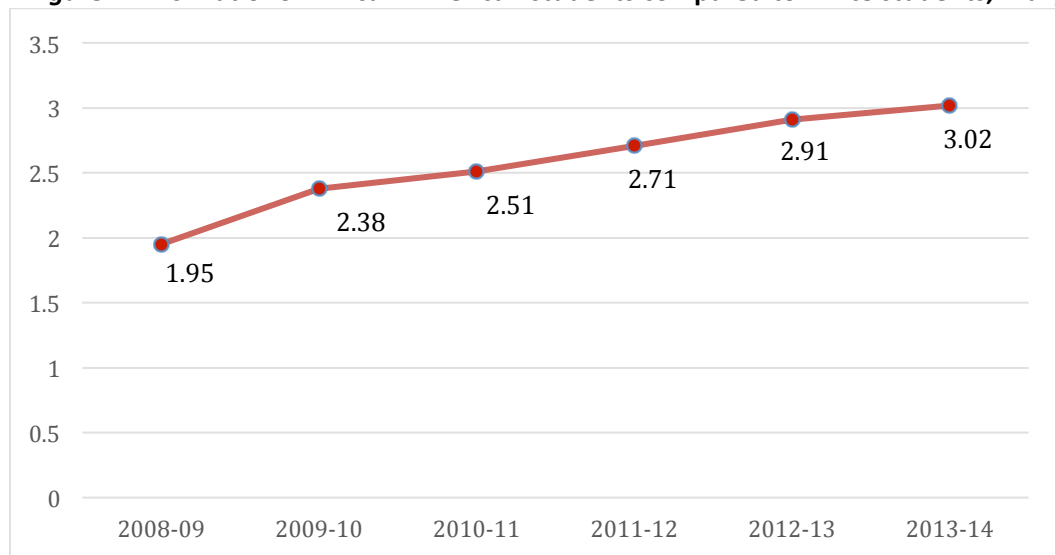
Figure 3: Percent of K-12 students suspended at least once, Maryland Public Schools, 2008-2014



Source: Maryland State Department of Education

Unfortunately, the disparity in exposure to out-of-school suspension between African-Americans and whites remains high (figure 4). This figure shows that the risk ratio (the ratio between suspension rates of African-American students and white students) has actually increased over the time period in which attempts to address racial disparity in school discipline have occurred. In fact, since 2008 African Americans have gone from being 1.95 times more likely to receive a suspension than whites, to over 3 times more likely. This suggests that efforts that seek to lower suspension rates without addressing disparity will perpetuate inequality.

Figure 4: Risk ratio for African-American students compared to white students, Maryland, 2008-2014.



Source: Maryland State Department of Education

Explanations for Continued Disparity

In attempting to determine the cause of racial disparity in the use of exclusionary discipline most theories eschew the most intuitive answers; that it is due to the discriminatory practices of educators, or the behavioral patterns of minorities. Instead researchers focus on the difference in the quality of the educational institutions attended most heavily by black students. Researchers hypothesized that schools with high minority enrollment are more likely to suffer from poor leadership, policies, and/or practices amongst staff and administrators⁵, teachers who are unable manage classrooms effectively⁶, and a lack of flexibility for educators to handle minor acts of misbehavior due to zero-tolerance policies. This theory was supported by an analysis of the data collected by the OCR on the use of out-of-school suspension. They found that of the 5,908 school districts that they surveyed, 65% (3,854) suspend less than 10% of their students. However, of the 2,923 districts that enroll at least 50% black students, only 35% make that mark. Moreover, of these districts, there are 761 districts that suspend at least 25% of

⁵ Skiba, R., Shure, L.A., Middelberg, L.V., & Baker, T.L. (2011). Reforming school discipline and reducing disproportionality in suspension and expulsion. In S.R. Jimerson, A.B., M.J. Mayer & M.J. Furlong (Eds.), *The handbook of school violence and school safety: International research and practice* (2nd Ed.) (pp. 515-528). New York: Routledge.

⁶ Losen, D. J. & Martinez, T. E. (2013, April). *Out-of-school and off track: The overuse of suspensions in American middle and high schools*. Los Angeles: The Center for Civil Rights Remedies at the Civil Rights Project, UCLA.

their black students, and 65 that suspend 50%. These few bad apples drive up the overall suspension rate, given that they tend to be relatively high-density school districts, such as Chicago, Memphis, and Los Angeles⁷.

A district-by-district examination of suspension rates in Maryland shows that there is racial disparity in suspension rates in every Maryland school district. Between 2008 and 2014, the average disparity in suspension rates between African American and white students ranged from 2.07 in Caroline County to 4.94 in Montgomery County (Table 1).⁸ So, at least in Maryland, disparity is not concentrated in just a few districts, but is a statewide problem. The lack of “problem” school districts in Maryland suggests that suspension disparity does not emanate from leadership issues at the school level, but instead from a broader lack of capacity. When teachers do not have a robust array of options to handle disruptive students or access to programs that help to modify student behavior without restricting access to the classroom, they tend to rely on suspension, which disproportionately burdens African-American students.

Moving Forward

Although disparities in suspension rates persists across the state, many schools are implementing programs designed to address disruptive behavior without denying students classroom time. Chief among them are Positive Behavioral Intervention and Support (PBIS) and restorative justice. Continuing to expand this number should help move the state in the right direction. Reducing disparity will involve giving teachers more options and support in maintaining classroom discipline, so as to reduce the reliance on suspension. Additionally, involving administrative staff as well as parents in the disciplinary process should give students a voice in the process.

Maryland took a major step towards reducing out-of-school suspensions prior to the 2014-2015 school year by adopting new disciplinary guidelines.⁹ The new guidelines both provide more detailed definitions of student misbehavior and create a tiered system for addressing it. These changes should further students’ understanding of what constitutes acceptable classroom behavior, and what does not. Additionally, the tiered system of punishment should restrict schools from resorting to out-of-school suspension for trivial misconduct and help to reduce the number students given suspensions under the nebulous “other” category of misbehavior. Schools will no longer be able to use out-of-school suspension for most minor offenses. Furthermore, for moderate misbehavior, schools will have a range of responses to choose from, rather than immediately resorting to suspension. Students will still receive automatic suspensions for the possession of contraband (drugs, alcohol and firearms), as well as major offenses (physical altercations that result in bodily harm, sexual activity, etc.). These guidelines are in line with those issued by the Department of Education. Although progress on reducing suspensions has been relatively quick, careful monitoring of this situation will still be required given the stubbornness of racial disparities. Beyond the measures already enacted by the State of Maryland we suggest the following:

⁷ Losen & Martinez (2013, April).

⁸ Garrett County had an average disparity of 5.24, however, because black enrollment is less than 1%, suspension rates vary widely on a year-to-year basis.

⁹ Maryland State Department of Education (2014). *The Maryland guidelines for a state code of discipline*. Baltimore: Author.

Expand the Collection and Disaggregation of Data: Each school should compile data tracking not just the number of suspensions and expulsions given, but teacher response disaggregated by race, disability status and gender for all incidents of student misbehavior. Furthermore, the data should be posted in an easily accessible venue for parents and community stakeholders. Increasing the quality of the data, and posting it in a public forum (perhaps making it a part of each school’s report card) would facilitate an honest and open discussion of school discipline practices, and also be a step towards applying data driven decision making to the disciplinary process.

Support for Teachers and Students: Many teachers report receiving training on every aspect of managing a classroom except for doling out discipline. According to Losen, “Educators need adequate training to ensure that they can fulfill their legal and professional responsibility to avoid unjustifiable use of disciplinary exclusion. This includes providing access to information and training on implementing practical alternative strategies.”¹⁰ Beyond training, teachers also need an assortment of options to address misbehaving children. Maryland has taken a step in this direction by implementing a tiered system of punishment. The next step will involve making certain that every school has the capacity to implement programs such as PBIS and restorative justice that can help to modify student behavior.

Schools should also ensure that students have adequate support. Many students come to school without the necessary social, emotional, and behavioral skills that are expected in a classroom. To the extent that this is the case, schools should reinforce acceptable behavior as a part of the educational process. Beginning early, such as by expanding access to pre-K programs, could help children develop the social-emotional skills they need to succeed in school. Finally, involving a parent/guardian as a part of the exclusionary discipline process would also help to reduce suspension rates. Studies have found that requiring parents to be present before a suspension can be enforced reduces the overall number of suspensions given.

Develop Policies to Address Disparity: Schools and districts should have well-publicized, explicit, and coherent policies that seek to ensure that no student experiences discrimination based on race/ethnicity, gender, language or social class. Furthermore, school districts must ensure that disciplinary policies are logically formulated to bring about specific behavioral outcomes, and that adequate performance measures are in place to monitor said policies. Finally, districts across the state should strive to desegregate schools by race and class, given the correlation between those attributes and suspension rates.

¹⁰ Losen, D. J., Hodson, C., Keith II, M. A., Morrison, K., & Belway, S. (2015, February). *Are we closing the school discipline gap?* Los Angeles: The Center for Civil Rights Remedies at the Civil Rights Project, UCLA.

Appendix

Table 1: Average Enrollment, Suspension Rate, and Risk Ratio by District, 2008– 2014.

	Average enrollment	Percentage of state enrollment	Average suspension rate	Average suspension rate for African Americans	Average disparity (risk ratio)	Suspension reduction	Suspension reduction for blacks
Allegany	9,020	1.06%	6.17%	13.76%	2.51	25.37%	35.16%
Anne Arundel	76,079	8.91%	7.22%	11.91%	2.73	43.96%	30.60%
Baltimore City	83,695	9.80%	8.30%	8.05%	2.31	31.91%	27.48%
Baltimore County	105,156	12.32%	8.25%	9.88%	2.62	56.25%	46.84%
Calvert	16,658	1.95%	6.02%	10.31%	2.27	47.22%	22.35%
Caroline	5,543	0.65%	6.92%	9.27%	2.07	43.75%	38.45%
Carroll	27,187	3.18%	3.40%	7.04%	2.68	43.18%	43.84%
Cecil	15,939	1.87%	9.90%	18.18%	2.25	43.55%	12.17%
Charles	26,706	3.13%	9.60%	11.50%	2.33	33.64%	24.64%
Dorchester	4,661	0.55%	12.83%	17.69%	2.89	31.08%	30.06%
Frederick	40,322	4.72%	5.13%	10.76%	3.23	37.70%	35.80%
Garrett	4,153	0.49%	3.57%	21.67%	5.24	9.52%	NA*
Harford	38,262	4.48%	6.00%	12.25%	3.27	31.88%	28.05%
Howard	51,326	6.01%	3.17%	7.07%	4.52	27.78%	14.33%
Kent	2,166	0.25%	9.00%	15.47%	2.71	40.57%	11.92%
Montgomery	145,261	17.01%	2.37%	4.90%	4.94	32.00%	34.81%
Prince George's	125,732	14.73%	7.62%	8.53%	2.95	25.61%	20.54%
Queen Anne's	7,777	0.91%	3.78%	7.55%	3.01	66.10%	39.89%
St. Mary's	17,325	2.03%	6.17%	12.07%	3.31	41.10%	30.51%
Somerset	2,917	0.34%	12.18%	14.95%	2.06	18.57%	5.92%
Talbot	4,512	0.53%	5.77%	10.37%	3.05	44.29%	36.12%
Washington	22,163	2.60%	3.30%	6.98%	3.20	41.03%	32.09%
Wicomico	14,509	1.70%	11.65%	19.10%	3.27	21.21%	4.45%
Worcester	6,662	0.78%	4.60%	9.35%	3.73	34.48%	11.34%
Maryland	853,730		5.97%	10.02%	2.59	38.20%	33.36%

*The average annual enrollment of African-American students is too low (n<10) to produce a statistically significant number for this metric.

Methodology

Average disparity, or risk ratio is the suspension rate for African American students divided by that of white students. The number represents how much more likely an African American student is to receive a suspension than a white student.

Suspension reduction is the difference between the suspension rate in the first year and the suspension rate in the last year, divided by the suspension rate in the first year. For instance, a school that began with a suspension rate of 20% and ended with a rate of 10% would have reduced its suspension rate by 50%.

Data Sources: Suspension data was obtained from *Suspensions, Expulsions, and Health Related Exclusion Maryland Public School*, a report issued annually by the Maryland Department of Education Division of Curriculum, Assessment and Accountability. Enrollment data was obtained from *Maryland Public School Enrollment by Race/Ethnicity and Gender and Number of Schools*, also issued annually.

About the Maryland Equity Project

The Maryland Equity Project seeks to improve education through research that supports an informed public policy debate on the quality and distribution of educational opportunities. It conducts, synthesizes, and distributes research on key educational issues in Maryland and facilitates collaboration between researchers and policymakers. The Maryland Equity Project is a program in the Department of Teaching and Learning, Policy and Leadership in the College of Education at The University of Maryland.

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This publication should be cited as: Henry, M. (2015). *Out-of-school suspensions in Maryland Public Schools, 2008 - 2014*. College Park, MD: Maryland Equity Project, The University of Maryland.

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